



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

K. Ward
#10/Declaration
9/29/94

Application of:

Applicant: Jack Beery
Serial No.: 08/116,019
Filed: September 2, 1993
Title: TELEVISION RECEIVER HAVING MEMORY CONTROL FOR
TUNE-BY-LABEL FEATURE
Reissue of: U.S. Patent No. 5,045,947
Issued: September 3, 1991
Docket No.: JB-2.3

Commissioner of Patents and Trademarks
Washington, DC 20231

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DECLARATION AND POWER OF ATTORNEY (REISSUE)

Dear sir:

I, Jack Beery, hereby declare as follows:

My residence and post office address is 1550 Cedar Bark Trail, Unit 1, Dayton, Ohio 45449, and I am a citizen of the United States of America. At the time the above application was filed my residence and post office was 907 Sixth Street, S.W., Suite 815-C, Washington, D.C. 20024.

I verily believe I am the original, first and sole inventor of the invention described and claimed in United States Patent No. 5,045,947 issued on September 3, 1991 and entitled TELEVISION RECEIVER HAVING MEMORY CONTROL FOR TUNE-BY-LABEL FEATURE, and described and claimed in the attached specification, for which invention I solicit a reissue patent.

I hereby state that I have reviewed and understand the contents of the specification of patent application Serial No. 08/116,019, including the claims as filed.

Serial No. 08/116,019
Page 2

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §§1.56(a) and 1.175(a)(7).

In addition to U.S. Patent No. 5,045,947 (hereinafter referred to as the '947 patent), I am the owner of U.S. Patent 5,068,734 (hereinafter referred to as the '734 patent) of which the '947 patent is a continuation-in-part. The specifications of the '734 and '947 patents are identical, except for several paragraphs added to the application for the '947 patent.

I verily believe the above identified U. S. Patent No. 5,045,947 (hereinafter referred to as the '947 patent) to be partly inoperative or invalid by reason of the Patentee claiming less than Patentee had a right to claim in the '947 patent.

The following changes to the '947 patent are made in this application:

Changes to the Specification

The specification has been changes as follows:

In column 4, lines 25-26, "convention" has been changed to "conventional". In column 9, line 14, "channel code" has been changed to "select code". In column 9, line 53, "the" (second occurrence) has been changed to "then". In column 10, line 58, "display codes" has been changed to "select codes". In column 11, lines 38-39, "display code" has been changed to "select code". In column 11, lines 39-40, "display code" has been changed to "select code". In column 12, line 19, "display code" has been changed to "select code". In column 12, line 21, "208" has been changed to "210". In column 12, line 28, "display code" has been changed to "select code". In column 12, lines 29-30, "display code" has been changed to "select code".

Changes to the Claims

This reissue application as filed includes claim 1-10. Claims 11-48 are added by the amendment submitted concurrently herewith. Claims 1-4 of this application are identical to claims 1-4 of the '947 patent.

Claim 5

The '947 patent (as well as the '734 patent) does not claim a method of controlling a television receiver as defined in claim 5 of the attached specification. Specifically, there are no claims in the '947 patent that recite:

A method of controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned channel tuning designation upon receipt of a channel tuning control signal, comprising the steps of:

generating using an operator-actuated control means a first control output signal comprising a first data set representative of at least one desired operator-selected channel select designation for at least one of said channel tuning designations;

storing in a memory said channel select designation as corresponding to the respective one of said channel tuning designations;

generating using said operator-actuated control means a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

retrieving from said memory the one of said channel tuning designations corresponding to said operator selected channel select designation; and

generating said channel tuning control signal to correspond to said one channel tuning designation.

Claim 6

Claim 6 is unlike any claim of the '947 patent. It is similar to claim 1 of the '734 patent as re-examined, except that the tuner means recited in claim 1 of the '734 patent is not recited in claim 6. Instead, claim 6 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In the final paragraph of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 7

Claim 7 is unlike any claim of the '947 patent. It is similar to claim 29 of the '734 patent as re-examined, except that the tuner means recited in claim 29 of the '734 patent is not recited in claim 7. Instead, claim 7 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In the second-last paragraph of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 8

Claim 8 is unlike any claim of the '947 patent. It is somewhat similar to claim 11 of the '734 patent as re-examined, although broader. Claim 8 does not require:

memory means for storing at least one operator-assigned channel select designation for at least one of said tuning designations;

operator-actuated control means for generating a control output signal comprising one of (a) a first data set representative of a desired channel select designation for one of said channel tuning designations, and (b) a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and upon receipt of said second data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

The final three elements of claim 8 correspond generally to the final three elements of claim 11 of the re-examined '734 patent, as illustrated by the following columns:

Claim 8 - 08/116,019

memory means for storing at least one marker/order bit for at least one of said channel tuning designations, for retaining said channel tuning designations in an ordered cue;

operator actuated control means for generating a control output signal comprising one of (a) a first data set representative of the presence of said

Claim 11 - '734 Pat. (Reexam.)

wherein said memory means includes means for storing at least one marker bit for each of said channel select designations, and means for retaining said channel select designations in an ordered cue;

said control means includes means for generating, at the selection of the operator, a part of said first data set representative of the presence

marker/order bit associated with one of said tuning designations, and (b) a second data set representative of a command to advance to a subsequent channel tuning designation within said cue;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store any of said marker/order bits associated with one of said channel tuning designations corresponding to the respective place of said channel tuning designation within said cue, and upon receipt of said second data set, reviewing said cue to determine a next in order of said channel tuning designations to have one of said marker/order bits associated therewith, and generating said processor signal to correspond to said next channel tuning designation.

of said marker bit associated with one of said channel select designations, and means for generating a third data set representative of a command to advance to a subsequent channel select designation within said cue;

said processor means, upon receipt of said first data set, causing said memory means to store any of said marker bits associated with one of said channel select designations,

and upon receipt of said third data set, reviewing said cue to determine a next of said channel select designations to have one of said marker bits associated therewith, and

generating said processor signal to correspond to said next channel select designation.

Claim 9

Claim 9 is unlike any claim of the '947 patent. It is somewhat similar to claim 27 of the '734 patent as re-examined, although broader. Claim 9 does not require:

memory means for storing at least one operator-assigned channel select designation for at least one of said tuning designations;

operator-actuated control means for generating a control output signal comprising one of (a) a first data set representative of a desired channel select designation

for one of said channel tuning designations, and (b) a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and upon receipt of said second data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

The final three elements of claim 9 correspond generally to the final three elements of claim 27 of the re-examined '734 patent, as illustrated by the following columns:

Claim 9 - 08/116,019

memory means for storing a marker value for at least one of said channel tuning designations, and means for retaining said channel tuning designations in a plurality of ordered cues;

operator actuated control means for generating a control output signal comprising one of (a) a first data set representative of the presence of said marker value associated with one of said channel tuning designations and one of said cues, and (b) a second data set representative of a command to advance to a subsequent channel tuning designation within a selected one of said cues;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store any of said marker values associated with one of said channel tuning designations,

and upon receipt of said second data set, reviewing the corresponding one of said cues to determine a next of said channel tuning designations to have one of said marker values associated therewith which corresponds to said cue, and generating said processor signal to correspond to said next channel tuning designation.

Claim 27 - '734 Pat. (Reexam.)

wherein said memory means [sic; includes means] for storing a marker value for each of said channel select designations, and means for retaining said channel select designations in a plurality of ordered cues;

said control means includes means for generating, at the selection of the operator, a part of said first data set representative of the presence of said marker value associated with one of said channel select designations and one of said cues, and means for generating a third data set representative of a command to advance to a subsequent channel select designation within a selected one of said cues;

said processor means, upon receipt of said first data set, causing said memory means to store any of said marker values associated with one of said channel select designations,

and upon receipt of said third data set, reviewing the corresponding one of said cues to determine a next of said channel select designations to have one of said marker values associated therewith which corresponds to said cue, and generating said processor signal to correspond to said next channel select designation.

Claim 10

Claim 10 is unlike any claim of the '947 or '734 patents. It is dependent upon claim 9 of the application, and adds the limitation that:

said control means further includes means for generating a cue selection signal corresponding to one of said cues, and wherein said processor means, upon receipt of said cue selection signal reviews the one of said cues corresponding thereto.

Claim 11

Claim 11 is unlike any claim of the '947 patent. It is similar to claim 27 of the '734 patent as re-examined, except that the tuner means recited in claim 27 of the '734 patent is not recited in claim 11. Instead, claim 11 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 12

Claim 12 is unlike any claim of the '947 patent. It is similar to claim 10 of the '734 patent as re-examined, except that the tuner means recited in claim 10 of the '734 patent is not recited in claim 12. Instead, claim 12 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 13

Claim 13 is unlike any claim of the '947 patent. It is similar to claim 14 of the '734 patent as re-examined, except that the tuner means recited in claim 14 of the '734 patent is not recited in claim 13. Instead, claim 13 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 24 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 14

Claim 14 is unlike any claim of the '947 patent. It is similar to claim 17 of the '734 patent as re-examined, except that the tuner means recited in claim 17 of the '734 patent is not recited in claim 14. Instead, claim 14 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon

receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In lines 23-24 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 15

Claim 15 is unlike any claim of the '947 patent. It is similar to claim 25 of the '734 patent as re-examined, except that the tuner means recited in claim 25 of the '734 patent is not recited in claim 15. Instead, claim 15 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

Claim 16

Claim 16 is unlike any claim of the '947 patent. It is somewhat similar to claim 12 of the '734 patent as re-examined, although broader. (The discussion of claim 12 herein includes the limitations of claim 11 of the re-examined '734 patent from which claim 12 depends.) Claim 16 does not require:

memory means for storing at least one operator-assigned channel select designation for at least one of said tuning designations;

operator-actuated control means for generating a control output signal comprising one of (a) a first data set representative of a desired channel select designation for one of said channel tuning designations, and (b) a second data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and upon receipt of said second data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

The final five elements of claim 16 correspond generally to the final five elements of claim 12 of the re-examined '734 patent, as illustrated by the following columns:

Claim 16 - 08/116,019

memory means for storing at least one marker/order bit for at least one of said channel tuning designations, for retaining said channel tuning designations in an ordered cue;

operator actuated control means for generating a control output signal comprising one of (a) a first data set representative of the presence of said marker/order bit associated with one of said tuning designations, and (b) a second data set representative of a command to advance to a subsequent channel tuning designation within said cue;

processor means for receiving said control output signal from said operator-actuated control means, and upon receipt of said first data set, causing said memory means to store any of said marker/order bits associated with one of said channel tuning designations corresponding to the respective place of said channel tuning designation within said cue, and upon receipt of said second data set, reviewing said cue to determine a next in order of said channel tuning designations to have one of said marker/order bits associated therewith, and generating said processor signal to correspond to said next channel tuning designation;

Claim 12 - '734 Pat. (Reexam.)

wherein said memory means includes means for storing at least one marker bit for each of said channel select designations, and means for retaining said channel select designations in an ordered cue;

said control means includes means for generating, at the selection of the operator, a part of said first data set representative of the presence of said marker bit associated with one of said channel select designations, and means for generating a third data set representative of a command to advance to a subsequent channel select designation within said cue;

said processor means, upon receipt of said first data set, causing said memory means to store any of said marker bits associated with one of said channel select designations,

and upon receipt of said third data set, reviewing said cue to determine a next of said channel select designations to have one of said marker bits associated therewith, and

generating said processor signal to correspond to said next channel select designation[.]

said memory means including means for storing at least one order bit for each of said channel select designations which comprises said means for retaining said channel select designations in said ordered cue;

said processor means, upon receipt of said first data set, causing said memory means to store an order bit associated with said channel select designation corresponding to the respective place of said channel select designation within said cue, and upon receipt of said third data signal, determining said next of said channel select designations by reviewing said order bits.

[...] said memory means includes means for storing at least one order bit for each of said channel select designations which comprises said means for retaining said channel select designations in said ordered cue;

said processor means, upon receipt of said first data set, causing said memory means to store an order bit associated with said channel select designation corresponding to the respective place of said channel select designation within said cue, and upon receipt of said third data signal, determining said next of said channel select designations by reviewing said order bits.

Claim 17

Claim 17 is similar to claim 7 of this application, discussed in detail above. Claim 17 differs from claim 7 in that the preamble and second-last paragraph include, in place of "upon receipt of", the language "in response to".

Claim 18

Claim 18 is unlike any claim in either the '947 or '743 patents. This claim adds to claim 17 the limitation that:

said memory means includes means for storing, for a plurality of said channel tuning designations, a channel select designation for each of said plurality of channel tuning designations which is identical thereto.

Claim 19

Claim 19 is unlike any claim in either the '947 or '743 patents.

This claim adds to claim 18 the limitation that:

 said multi-channel input includes a plurality of active channels, said memory means including means for storing a channel select designation for each of said active channels which is identical thereto.

Claim 20

Claim 20 is similar to claim 6 of this application, discussed in detail above. Claim 20 differs from claim 6 in that the preamble and last paragraph include, in place of "upon receipt of", the language "in response to".

Claim 21

Claim 21 is similar to claim 8 of this application, discussed in detail above. Claim 21 differs from claim 8 in that the last paragraph includes, in place of "upon receipt of", the language "in response to".

Claim 22

Claim 22 is similar to claim 9 of this application, discussed in detail above. Claim 22 differs from claim 9 in that the last paragraph includes, in place of "upon receipt of", the language "in response to".

Claim 23

Claim 23 is similar to claim 11 of this application, discussed in detail above. Claim 23 differs from claim 11 in that the preamble and fourth and last paragraphs include, in place of "upon receipt of", the language "in response to".

Claim 24

Claim 24 is similar to claim 12 of this application, discussed in detail above. Claim 24 differs from claim 12 in that the preamble and fourth and last paragraphs include, in place of "upon receipt of", the language "in response to".

Claim 25

Claim 25 is similar to claim 13 of this application, discussed in detail above. Claim 25 differs from claim 13 in that the preamble and last paragraph include, in place of "upon receipt of", the language "in response to".

Claim 26

Claim 26 is similar to claim 14 of this application, discussed in detail above. Claim 26 differs from claim 14 in that the preamble and last paragraph include, in place of "upon receipt of", the language "in response to".

Claim 27

Claim 27 is similar to claim 15 of this application, discussed in detail above. Claim 27 differs from claim 15 in that the preamble

and second-last paragraph include, in place of "upon receipt of", the language "in response to".

Claim 28

Claim 28 is similar to claim 16 of this application, discussed in detail above. Claim 28 differs from claim 16 in that the fifth paragraph includes, in place of "upon receipt of", the language "in response to".

Claim 29

Claim 29 is similar to claim 6 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 30

Claim 30 is similar to claim 7 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 31

Claim 31 is similar to claim 8 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 32

Claim 32 is similar to claim 9 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 33

Claim 33 is similar to claim 11 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 34

Claim 34 is similar to claim 12 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 35

Claim 35 is similar to claim 13 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 36

Claim 36 is similar to claim 15 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 37

Claim 37 is similar to claim 16 of this application, except that "a tuner" has been substituted for "tuner means", "a memory" has been substituted for "memory means", "an operator-actuated control device" has been substituted for "operator-actuated control means", and "a processor" has been substituted for "processor means". In addition, appropriate grammatical modifications to the claim language as a result of these changes have been made.

Claim 38

Claim 38 is similar to claim 10 of the '734 patent. It differs from claim 10 in that the memory means is defined as being for "storing at least one operator-assigned channel select designation for each of a plurality of said channel tuning designations." In addition, claim 38 in its final paragraph differs from claim 10 (of '734) in that the processor means is for

clearing from said memory a selected one of said channel select designations and restoring therein said channel select designation for a corresponding one of said channel tuning designations which is identical thereto.

Claim 39

Claim 39 is unlike any claim of the '947 patent. It is similar to claim 38 of this application, except that the tuner means recited

in claim 38 of this application is not recited in claim 39.

Instead, claim 39 recites in its preamble:

A system for controlling a television receiver capable of tuning from a multi-channel input a television channel corresponding to a preassigned tuning designation upon receipt of a channel tuning control signal, the system comprising.... (emphasis added)

In line 21 of the claim, the term "processor signal" has been changed to "channel tuning control signal" to be consistent with the preamble. Otherwise, these claims are the same.

claim 40

Claim 40 is identical to claim 9 of this application, except that "scroll sequence" has been substituted for "cue".

claim 41

Claim 41 is unlike any claim of the '947 or '734 patents. It is dependent upon claim 40 of the application, and adds the limitation that:

said control means further includes means for generating a scroll sequence selection signal corresponding to one of said scroll sequences, and wherein said processor means, upon receipt of said scroll sequence selection signal reviews the one of said scroll sequences corresponding thereto.

claim 42

Claim 42 is identical to claim 16 of this application, except that "scroll sequence" has been substituted for "cue".

Claim 43

Claim 43 is identical to claim 28 of this application, except that "scroll sequence" has been substituted for "cue".

Claim 44

Claim 44 is identical to claim 27 of the '734 patent as re-examined, except that "scroll sequence" has been substituted for "cue".

Claim 45

Claim 45 is unlike any claim in the '947 or '734 patents. It is dependent on claim 9 of this reissue application, and adds to that claim the further limitations that:

 said memory means further includes means for storing at least one operator-assigned channel select designation for at least one of said channel tuning designations;

 said control output signal further comprises one of (c) a third data set representative of a desired channel select designation for one of said channel tuning designations, and (d) a fourth data set representative of a desired viewing channel identified by an operator selected one of said channel select designations;

 said processor means further, following receipt of said third data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and following receipt of said fourth data set, retrieving from said memory means the one of said channel tuning designations corresponding to said operator selected channel select designation, and generating said processor signal to correspond to said one channel tuning designation.

Claim 46

Claim 46 is unlike any claim in the '947 or '734 patents. It is dependent on claim 45 of this reissue application, and adds to that claim the further limitations that:

 said memory means further includes means for storing at least one operator-assigned display designation for at least one of said channel tuning designations;

 said control output signal further comprises one of (e) a fifth data set representative of a desired display designation for one of said channel tuning designations;

 said processor means further, following receipt of said fifth data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and following receipt of said fourth data set, retrieving from said memory means the one of said display designations corresponding to said one channel tuning designation and causing said one display designation to be displayed on said display.

Claim 47

Claim 47 is unlike any claim in the '947 or '734 patents. It is dependent on claim 9 of this reissue application, and adds to that claim the further limitations that:

 said memory means further includes means for storing at least one operator-assigned display designation for at least one of said channel tuning designations;

 said control output signal further comprises one of (c) a third data set representative of a desired display designation for one of said channel tuning designations;

 said processor means further, following receipt of said third data set, causing said memory means to store said desired channel select designation as corresponding to said one channel tuning designation, and further following receipt of said second data set, retrieving from said memory means the one of said display designations corresponding to said next channel tuning designation and causing said one display designation to be displayed on said display.

Claim 48

Claim 48 is similar to claim 27 of the '734 patent as re-examined. It differs from claim 27 in that it includes the additional element "a television screen", and adds to the end of the claim the language "whereby a selected television channel is displayed on said screen."

At the time the applications for both the '734 and '947 patents were being prepared, I incorrectly concentrated too narrowly (as I now realize) on an apparatus for use as a television controller, and wherein the controller had the ability to assign operator-selected channel designations for use in selecting television channels. As a result, I failed to advise my attorney who prepared the application that my invention also encompassed the method in accordance with which the device operated. At the same time, I overlooked the fact that it was not necessary to include the tuning means of the television receiver as an element in the claims, since the device could be constructed as a remote device which relied upon the television's own tuning means. Indeed, the specification clearly describes this embodiment.

In addition, I invented various other television control features, among them being a system wherein the operator may selectively assign desired channels in a desired order into a cue or scroll sequence, or wherein the operator may assign selected channels into

Serial No. 08/116,019

Page 25

two or more independent cues or scroll sequences for channel selection. These are clearly described in the specification of the '947 patent. However, because I assumed such features would all be incorporated into a single remote control device, these features were erroneously claimed in combination with the operator-selected channel designation feature. In fact, these features should have been claimed independently.

These errors arose without any deceptive intention on my part.

I discovered during the period from about January through about March of 1993 that I had claimed less than what I had a right to claim in the '947 patent. Since prior to this time, I had been studying a situation wherein I believe a manufacturer and seller of videorecorder control devices has been infringing my '734 patent. During the months of January through about March of 1993, I interviewed several attorneys about the possibility of representing me in connection with such matter. In discussions with these attorneys concerning the details of my case, it became clear to me that I had claimed less than I had a right to claim in one or the other of the '734 and '947 patents.

At about the same time, I was involved with the reexamination of the '734 patent. During the early part of 1993, an Office action was received in the reexamination which caused me to carefully study the claims of the '734 and '947 patents. This further

convinced me I had claimed less than I had a right to claim. I also discovered the errors in the specification and changed as described above at column 11, lines 38-40 and column 12, line 21.

I thereafter studied the '947 patent during mid-1993 along with, at my request, the attorney who represented me through the prosecution of the '947 patent, Thomas A. Boshinski, to determine whether the specification and prior art relevant to the '947 patent would permit broader claims than those which were originally granted.

Together, Mr. Boshinski and I identified at least the subject matter set out in claims 5-10 of the accompanying specification which, through error, were not presented in the original application.

In August, 1993, I brought an infringement action against several defendants in connection with my '734 patent. During the period of approximately March 1994 through the present, Mr. Boshinski and I have further identified the subject matter set out in claims 11-48 of the accompanying specification which, through error, were not presented in the original application. In addition, we discovered the additional errors in the specification and changed as described above at column 4, lines 25-26; column 9, lines 14 and 53; column 10, line 58; and column 12, lines 19 and 28-30.

Serial No. 08/116,019

Page 27

I hereby appoint Thomas A. Boshinski, Reg. No. 30,611, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all telephone calls to (404) 897-4421. Address all correspondence to:

Thomas A. Boshinski
210 Dapplegate Way
Alpharetta, GA 30202

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Jack Berry

16 August 1994
Date